

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DAVID RAINERO,

Plaintiff,

vs.

ARCHON CORPORATION,

Defendant.

Case No. 2:07-cv-01553-GMN-PAL

**ORDER**

The court conducted a hearing on the parties' Joint Status Report (Dkt. #32) on November 16, 2010. Steven Goren appeared telephonically on behalf of the Plaintiff, and John Desmond appeared on behalf of the Defendant.

This case has been consolidated with D.E. Shaw Laminar Portfolios, LLC, et al. v. Archon Corporation, Case No. 2:07-cv-01146-PMP-LRL ("D.E. Shaw Action") and the Leeward Capital, L.P. v. Archon Corporation, Case No. 2:08-cv-00007-PMP-LRL ("Leeward Action"). The D.E Shaw Action is awaiting a decision on fully briefed Motions for Summary Judgment. On April 19, 2010, the district judge issued an order finding that the Leeward Action should move forward independently of the D.E. Shaw Action. The parties agree that, in light of the current status of the other two cases, the stay in this case should be lifted and discovery should proceed. They have submitted a proposed Discovery Plan and Scheduling Order which would establish a July 29, 2011 discovery cutoff, or a discovery cutoff of 120 days from decision of a motion to certify a class action which Plaintiff intends to file.

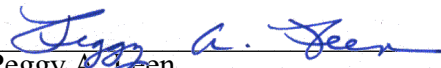
During the status conference, counsel for Plaintiff indicated that he would be filing a motion to certify a class shortly. However, the Defendant has requested the deposition of the named plaintiff/proposed class representative. Plaintiff may elect to amend the complaint to add an additional class representative if Defendant claims the named Plaintiff is not an appropriate class representative.

1 Under these circumstances, the court will require the Plaintiff to file the motion to certify class  
2 and permit the Defendant to take the deposition of the named claim representative before filing a  
3 response. After the motion has been filed and the Defendant has deposed the named representative the  
4 court will address any scheduling concerns of the parties at that time.

5 **IT IS ORDERED:**

- 6 1. Defendant shall have until December 2, 2010, in which to depose the named Plaintiff in  
7 this action.
- 8 2. Plaintiff shall have until December 6, 2010, in which to file a motion for class  
9 certification.
- 10 3. A status and scheduling conference is set for **December 16, 2010, at 9:00 a.m.** The  
11 parties shall have until **December 14, 2010 at 4:00 p.m.** in which to file a Joint Status  
12 Report addressing any scheduling issues or additional discovery required to complete  
13 briefing and decision on Plaintiff's motion for class certification.

14 Dated this 18<sup>th</sup> day of November, 2010.

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17 Peggy A. Leen  
18 United States Magistrate Judge  
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